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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,605	11/01/2001	Arun Ramachandran	COM-002.5D	8195

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PO BOX 820
LOS GATOS, CA 95032

EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,605

Applicant(s)

RAMACHANDRAN ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 September 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-9 have been examined and are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S Patent No. 6,799,277 to David S. Colvin.

4. As per claims 1-4, Colvin clearly teaches a process carried out in a usage-measuring server in a system to license resources from different vendors as a suite on a usage-basis to set up a data structure which supports said suite-based, usage based licensing and to use said data structure to implement usage based licensing, comprising:

storing one or more provisioning item data entries in a data structure in a usage-measuring server, each said data entry representing a provisioning item which records the licensing terms of a suite of resources from a plurality of different sources or vendors, each provisioning item data entry containing a pointer to the one or more resources which are available for licensing under said provisioning item data entry(See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

creating and storing a data entry representing an authorization node when a customer who wishes to use the resources in a suite takes a license under the particular provisioning item which records

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the licensing terms of said suite, and storing a pointer in said authorization node which points to the data structure representing the provisioning item which records the terms of the license said customer took (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

creating and storing a data entry representing a resource authorization node for each resource licensed under a license represented by said authorization node and storing a pointer in each said resource authorization node so created that points to the authorization node representing said license (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

creating a usage data buffer for each said resource authorization node so created and storing a pointer in each said resource authorization node that points to a corresponding usage data buffer which is to be used to store usage data for the resource corresponding to said resource authorization node (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65); and

storing usage data for each resource licensed under a usage-based suite license in the appropriate usage data buffer (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65);

converting said usage data for each resource to metrics which provide an indication of the amount of use of each licensed resource (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65);

converting said metric data for use of each resource licensed as part of a suite to CSU units representing the total charges for use or total amount of use of the suite based upon the individual usages of each resource in said suite (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65) (Colvin clearly teaches collection of multitude of data for authentication, authorization, usage determination,

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hardware association, user, association, as well as marketing and advertising information on distributed and registered electronic contents and software).

As per claims 4-6, Colvin clearly teaches the step of converting said metric data for use of each resource licensed as part of a suite to CSU units representing the total charges for use or total amount of use of the suite based upon the individual usages of each resource in said suite and the step of automatically purging said usage data which was stored before a data determined from either a fixed constant or from configuration data (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65) (Colvin clearly teaches collection of multitude of data for authentication, authorization, usage determination, hardware association, user, association, as well as marketing and advertising information on distributed and registered electronic contents and software).

5. As per claims 7-9, Colvin clearly teaches a memory storing data accessible by a server computer, said data defining a data structure which supports usage-based licensing or sale of a suite of resources which are not restricted to resources from the same vendor, said data structure comprising:

one or more resource lists that contain one or more resource data entries representing one or more resources available for usage-based licensing; a pointer in each resource entry which points to a distillation program which, when executed, converts raw usage data for the corresponding resource by a particular customer into one or more items of metric data which summarizes use of said resource (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

one or more organization data entries which represent vendors which license resources with each organization data entry containing a pointer to a resource list which contains data entries listing said resources said organization licenses and a pointer to one or more provisioning lists which are data entries which contain provisioning item data entries detailing the terms of license or sale of two or more

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resources comprising a suite of resources to be licensed or sold with no restriction that said resources must come from the same vendor, each provisioning item containing a pointer or pointers to all the resource data entries that are available for sale or usage-based licensing under the terms of said provisioning item (See Colvin Abstract, figures 1-16 and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56);

one or more authorization node data entries, each of which represents a suite license or suite sale granted or made under the terms of a particular provisioning item and each of which has a pointer to the provisioning item data entry which records the terms of the suite license or sale (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65);

one or more user/licensee and/or purchaser and/or distributor and/or user/distributor data entries representing entities such as individuals, corporations etc. which have purchased a suite of resources or have a suite license to use, sublicense, distribute or both use and distribute or use, distribute and/or sublicense the two or more resources under a suite license or suite sale represented by an authorization node data entry and having at least a pointer to at least one authorization node data entry representing the suite license or sale (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65);

two or more resource authorization node data entries associated with each said authorization node data entry, one for each resource in the suite license or sale represented by said authorization node data entry, each containing a pointer to a resource licensed or sold under the authorization node data entry representing the suite license or sale of the resources to which said two or more resource authorization node data entries correspond, and each said resource authorization node data entry either storing usage data or sales data for the corresponding resource or pointing to a buffer which stores usage or sale data for the corresponding resource by the entity which licensed or purchased said resource (See Colvin Abstract, figures 1-16, and column 2, line 38-column 4, line 23, column 5, line 18-column 6, line 56, column 7, lines 32-65, and column 20, lines 28-65) (Colvin clearly teaches collection of multitude of

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data for authentication, authorization, usage determination, hardware association, user, association, as well as marketing and advertising information on distributed and registered electronic contents and software).

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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**Commissioner of Patents and Trademarks
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or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]

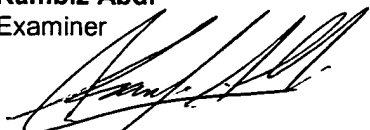
(703) 746-7749 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to:

Crystal Park 5, 2451 Crystal Drive

7th floor receptionist, Arlington, VA, 22202

Kambiz Abdi
Examiner

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over a horizontal line.

December 23, 2004